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Attorneys for Defendant,
CAPITAL ONE BANK (U.S.A.), N.A.
(erroneously named as "CAPITAL ONE,
NATIONAL ASSOCIATION")

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHRISTINE SMITH,

Plaintiff,

V.

CAPITAL ONE, NATIONAL ASSOCIATION.

Defendant.

Case No.: 5:16-cv-05721-LHK

**STIPULATION FOR DISMISSAL
OF DEFENDANT CAPITAL ONE
BANK (USA), N.A.; [PROPOSED]
ORDER**

1 **TO THE COURT, CLERK OF COURT, AND ALL PARTIES:**

2 **IT IS HEREBY STIPULATED** by and between plaintiff Christine Smith
3 and defendant Capital One Bank (USA), N.A. (“Capital One”), erroneously sued
4 as “Capital One, National Association,” that Capital One be dismissed from this
5 action with prejudice pursuant to Federal Rules of Civil Procedure, Rule 41(a)(2),
6 and that each party shall bear its own attorneys’ fees and costs.

7

8 **DATED:** April 19, 2017

Sagaria Law, P.C.

9 By: /s/ Scott Johnson
10 Scott Johnson
11 Attorney for Plaintiff
12 CHRISTINE SMITH

13

14 **DATED:** April 19, 2017

Doll Amir & Eley LLP

15 By: /s/ Chelsea L. Diaz
16 Chelsea L. Diaz
17 Attorney for Defendant
18 CAPITAL ONE BANK (USA), N.A.

19

20 I, Elliot Gale, am the ECF user whose identification and password are being used
21 to file this Stipulation. I hereby attest that Chelsea L. Diaz has concurred in this
22 filing.

23

24 /s/ Elliot Gale

[PROPOSED] ORDER

Pursuant to the Stipulation of the Parties, Capital One Bank (USA), N.A. is dismissed with prejudice. The Clerk shall close the case.

IT IS SO ORDERED.

DATED: April 21, 2017

Lucy H. Koh
Hon. Lucy H. Koh
UNITED STATES DISTRICT JUDGE